

1 CHAD A. READLER
Acting Assistant Attorney General
2 MARCIA BERMAN
Assistant Branch Director
3 M. ANDREW ZEE (CA Bar No. 272510)
Attorney
4 Civil Division, Federal Programs Branch
5 U.S. Department of Justice
450 Golden Gate Avenue, Room 7-5395
6 San Francisco, CA 94102
7 Telephone: (415) 436-6646
Facsimile: (415) 436-6632
8 E-mail: m.andrew.zee@usdoj.gov

9 *Attorneys for Defendant*

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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

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15 AMERICAN CIVIL LIBERTIES UNION OF
NORTHERN CALIFORNIA *et al.*,

16
17 Plaintiffs,

18 v.

19 FEDERAL BUREAU OF INVESTIGATION,

20 Defendant.
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No. 3:10-cv-03759-RS

STIPULATION AND ~~PROPOSED~~
ORDER TO MODIFY BRIEFING
SCHEDULE FOR CROSS-MOTIONS FOR
SUMMARY JUDGMENT

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STIPULATION

Pursuant to Civil Local Rule 6-1(a), Plaintiffs, American Civil Liberties Union of Northern California, Asian Law Caucus, and San Francisco Bay Guardian, and Defendant, the Federal Bureau of Investigation (“FBI”), through their respective undersigned counsel, stipulate and agree as follows:

1. On April 26, 2018, this Court approved the parties’ joint briefing schedule for their anticipated cross-motions for summary judgment. ECF No. 173. That schedule provides as follows:

- **July 16, 2018:** Government files summary judgment motion
- **September 4, 2018:** Plaintiffs file opposition and cross-motion for summary judgment (if necessary)
- **October 5, 2018:** Government files reply and opposition to any cross-motion
- **October 26, 2018:** Plaintiffs file reply (if necessary)
- **November 29, 2018 at 1:30 p.m.:** Hearing on summary judgment motion(s)

2. On June 20, 2018, counsel for the FBI informed Plaintiffs that she would be leaving the Civil Division of the Department of Justice and that this case would be reassigned to different counsel within the Civil Division. On June 22, 2018, undersigned counsel filed a Notice of Substitution entering his appearance for the FBI. ECF No. 174.

3. Prior to filing his appearance, on June 21, 2018, undersigned counsel for the FBI conferred by telephone and e-mail with Plaintiffs’ counsel regarding the briefing schedule. FBI counsel requested an extension of the briefing schedule based on (1) existing deadlines in other matters that predated the reassignment of this case; and (2) the need to gain familiarity with the substantial record in this case in order to prepare the FBI’s summary judgment submission.

1 Following further conferral among counsel through July 3, 2018, Plaintiffs' counsel agreed to the
2 FBI's requested extension and the parties arrived at a revised briefing schedule. Consistent with
3 the Commentary to Local Rule 7-2, the parties now wish to stipulate to the modified briefing
4 schedule below on their anticipated cross-motions for summary judgment:

- 5 • **August 27, 2018:** Government files summary judgment motion
- 6
- 7 • **October 30, 2018:** Plaintiffs file opposition and cross-motion for summary judgment
8 (if necessary)
- 9 • **December 11, 2018:** Government files reply and opposition to any cross-motion
- 10 • **January 18, 2019:** Plaintiffs file reply (if necessary)
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- 12 • **February 21, 2019** (or at court's convenience): Hearing on summary judgment
13 motion(s)

14 4. The reasons for the requested additional time for the parties' briefing are FBI
15 counsel's existing upcoming deadlines in other matters that predated the reassignment of this
16 case, and the need for FBI counsel to gain familiarity with the substantial record in this case in
17 order to prepare the FBI's summary judgment submission.

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19 5. Pursuant to Local Rule 6-2(a), undersigned counsel for Defendant has filed a
20 declaration in support of this stipulation.

21 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
22 parties, subject to the Court's approval, that the above modified briefing schedule shall govern
23 any motions for summary judgment in this case.
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1 Dated: July 3, 2018.

2 By: /s/ M. Andrew Zee
3 M. Andrew Zee

4 CHAD A. READLER
5 Acting Assistant Attorney General
6 MARCIA BERMAN
7 Assistant Branch Director
8 M. ANDREW ZEE (CA Bar No. 272510)
9 Attorney
10 Civil Division, Federal Programs Branch
11 U.S. Department of Justice
12 450 Golden Gate Avenue, Room 7-5395
13 San Francisco, CA 94102
14 Telephone: (415) 436-6646
15 Facsimile: (415) 436-6632
16 E-mail: m.andrew.zee@usdoj.gov

17 *Attorneys for Defendant*

Respectfully submitted,

By: /s/ Angela E. Kleine
Angela E. Kleine

ANGELA E. KLEINE
AKleine@mofo.com
LAUREN LYNN WROBLEWSKI
LWroblewski@mofo.com
RYAN J. GATZEMEYER
RGatzemeyer@mofo.com
MORRISON &
FOERSTER LLP
425 Market Street
San Francisco, California 94105
Telephone: 415.268.7000
Facsimile: 415.268.7200

JULIA HARUMI MASS
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, California 94111
Telephone: 415.621.2493
Facsimile: 415.255.8437
JMass@aclunc.org

CHRISTINA SINHA
ASIAN AMERICANS ADVANCING
JUSTICE - ASIAN LAW CAUCUS
55 Columbus Avenue
San Francisco, California 94111
Telephone: 415.896.1701
Facsimile: 415.896.1702
christinas@advancingjustice-alc.org

Attorneys for Plaintiffs

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ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that I am the ECF user whose user ID and password are being used in the electronic filing of this document, and further attest that I have obtained the concurrence in the filing of the document from the other signatory.

/s/ Andrew Zee
M. ANDREW ZEE (CA Bar #272510)

~~PROPOSED~~ ORDER

Upon stipulation of the parties, and good cause appearing, the Court hereby orders the following schedule for the parties' cross-motions for summary judgment:

- **August 27, 2018:** Government files summary judgment motion
- **October 30, 2018:** Plaintiffs file opposition and cross-motion for summary judgment (if necessary)
- **December 11, 2018:** Government files reply and opposition to any cross-motion
- **January 18, 2019:** Plaintiffs file reply (if necessary)
- **February 21, 2019** at 1:30 pm: Hearing on summary judgment motion(s)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 5, 2018



HON. RICHARD SEEBORG
United States District Court Judge